



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,594	09/19/2003	Dodd H. Grande	KTWO121704	3653

26389 7590 08/02/2006

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

STACOVICI, STEFAN

ART UNIT PAPER NUMBER

1732

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No.	Applicant(s)	
	10/664,594	GRANDE, DODD H.	
	Examiner	Art Unit	
	Stefan Staicovici	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicants' after-final amendment filed July 19, 2006 has been entered. Claims 1-5 are pending in the instant application.
2. In view of Applicant's after-final amendment filed July 19, 2006 and the amendment filed January 30, 2006, the finality of the last Office Action, mailed March 17, 2006, is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 1 and 4, the limitation of "the core material is absent from areas adjacent the shoe load introduction portion" (emphasis added) is not supported by the original disclosure because as shown in Figure 2 of the original disclosure, the core (64) is positioned between skins (64, 68) in an area that is adjacent to the shoe load introduction portion (50) (emphasis added) and the wheel load portion (60, 61). Although the original disclosure appears to have support for

the limitation that “the core material is absent from the shoe load introduction portion”, the original disclosure does not appear to have support for the limitation, “the core material is absent from areas *adjacent* the shoe load portion” (emphasis added). Further clarification is required.

Claims 2-3 and 5 are rejected as dependent claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4, the limitation of “the core material is absent from areas adjacent the shoe load introduction portion” (emphasis added) is unclear because as shown in Figure 2 of the original disclosure, the core (64) is positioned between skins (64, 68) in an area that is adjacent to the shoe load introduction portion (50) (emphasis added) and the wheel load portion (60, 61). Hence, it is unclear what constitutes “areas adjacent the shoe load introduction portion.” Further clarification is required.

Claims 2-3 and 5 are rejected as dependent claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US Patent No. 5,732,958) in view of Buzza *et al.* (US Patent No. 5,625,999) and in further view of Artus (US Patent No. 5,934,692).

Liu ('958) teaches the basic claimed process of making a skate frame including providing an outer layer (20) made from a fiber reinforced resin composite material, providing an inner core foam material (30), positioning said inner core (30) between the two side walls (22) of the outer layer (20) that is placed in a mold, heating said mold and, curing said resin to bond said inner core (30) to said outer layer (20) and form said skate frame (see col. 2, lines 22-30).

Regarding claims 1 and 4-5, Liu ('958) does not teach a second outer layer and a decorative layer. Buzza *et al.* ('999) teach a fiber reinforced resin panel having an outer decorative gel layer, an outer fiber reinforced resin layer, an inner foam core and an inner fiber reinforced resin layer that are bonded integrally together during the fabrication of said panel in a heated mold (see col. 4, line 66 through col. 6, line 23). Therefore, it would have been obvious for one of ordinary skill in the art to have provided a decorative layer and an additional inner fiber reinforced resin layer as taught by Buzza *et al.* ('999) to the layup in the process of Liu ('958) because, Buzza *et al.* ('999) teach that the integrity and strength of the panel is increased because it is known that load transfer is more uniform if the inner foam core is sandwiched between two fiber reinforced resin layers rather than using a single fiber reinforced resin layer which would result in a weaker panel and also because, Buzza *et al.* ('999) teach that a

decorative layer provides for improved aesthetic appeal, hence providing for an improved molded product.

Further regarding claims 1 and 4-5, Liu ('958) in view of Buzza *et al.* ('999) do not teach that the core material is absent from areas adjacent the shoe load introduction portion. Artus ('692) teaches an in-line skate frame having core material (242) only in the shoe load introduction portion (absent from areas adjacent the shoe load introduction portion) (see col. 4, lines 37-49 and Figure 14). Therefore, it would have been obvious for one of ordinary skill in the art to provide core material in selected regions, such as the shoe load introduction portion, as taught by Artus ('692) in the in-line skate frame made by the process of Liu ('958) in view of Buzza *et al.* ('999) because, Artus ('692) teaches that such an arrangement provides for improved vibration dampening, hence providing for an improved product.

In regard to claim 2, Liu ('958) teaches an inner foam core, hence it is submitted that the density of a foam material is less than that of a fiber reinforced resin material.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US Patent No. 5,732,958) in view of Buzza *et al.* (US Patent No. 5,625,999) and in further view of Artus (US Patent No. 5,934,692) and Benoit (US Patent No. 6,345,827).

Liu ('958) in view of Buzza *et al.* ('999) and in further view of Artus ('692) teach the basic claimed process as described above.

Regarding claim 3, although Liu ('958) teaches using a thicker, enforced section (23) for mounting rollers (see col. 2, lines 5-9), Liu ('958) in view of Buzza *et al.* ('999) and in further view of Artus ('692) do not teach the use of filler material to create said enforced portions.

Benoit ('827) teaches the use of a reinforcement (8L) (filler material) to form enforced portions that allow rollers to be mounted in the resulting composite skate frame (see col. 5, lines 45-52). Therefore, it would have been obvious for one of ordinary skill in the art to have provided reinforced sections of filler material as taught by Benoit ('827) in the skate frame obtained by the process of Liu ('958) in view of Buzza *et al.* ('999) and in further view of Artus ('692) because, Benoit ('827) teaches that the use of a reinforcement (8L) (filler material) allows for an improved product by forming a better mounting region for the rollers, hence providing for an improved product and also because, Liu ('958) suggests using a thicker, enforced section (23) for mounting rollers and all references teach similar end-products and materials.

Response to Arguments

10. Applicant's arguments filed July 19, 2006 and January 30, 2006 have been considered and respectively, reconsidered, but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

A handwritten signature in black ink, appearing to read 'Stefan Staicovici'.

Primary Examiner

7/28/06

AU 1732

July 28, 2006